

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESSICA MATTIE LEE WOMACK,

Plaintiff,

vs.

MOULTON COLLEGE, AND
ACTIVATE LEARNING,

Defendants.

8:16CV145

ORDER

The plaintiff's initial complaint alleges Activate Learning and Moulton College breached an employment contract. (Filing No. 1). Defendants moved to dismiss the complaint, arguing they are not parties to any contract with Plaintiff and this court lacks personal jurisdiction over them. (Filing No. 11).

Plaintiff now moves to amend her complaint to add The Oxford Partnership and its human resources representative, Louisa Thomas, as additional defendants. (Filing Nos. 23-26). Defendants Activate Learning and Moulton College have not responded to the motions, and the deadline for responding has passed. The motions are deemed unopposed.

Although Plaintiff has not filed her proposed amended complaint with her motion, the court will grant Plaintiff's motion to add The Oxford Partnership and Louisa Thomas as additional defendants. However, after the amended complaint is filed, it will be subject to the court's initial review as to Plaintiff's claims against these newly added defendants, (see 28 U.S.C. § 1915(e)(2)), and to determine if the amended complaint supersedes or merely supplements the original complaint. See NECivR 15.1(b). As such, this order does not moot Defendants' pending motion to dismiss. (Filing No. 11).

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motions, (Filing Nos. 23-26), are granted.
- 2) Plaintiff's amended complaint shall be filed on or before February 3, 2017.
- 3) Summons shall not issue as to the newly added defendants, The Oxford Partnership and Louisa Thomas, pending further order of the court after completing an initial review of the amended complaint.
- 4) The clerk shall mail a copy of this order to Plaintiff at her address of record.

January 19, 2017

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge